



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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June 25, 2008

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Via Fax (212)805-7925

Hon. Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Perry v Stephen
08CV3586 (RWS)
Pro Se

Dear Judge Sweet:

This letter is written on behalf of defendant, Corrections Officer Paul Stephens, employed by the New York State Department of Correctional Services ("DOCS") at Downstate Correctional Facility, respectfully to request an extension of time until July 29, 2008 to respond to the pro se Section 1983 civil rights complaint. Plaintiff, an inmate at Upstate Correctional Facility, alleges that excessive use of force was used against him at Downstate on January 2, 2008.

Additional time is being requested to permit our office to confer with our client and to obtain from DOCS and Downstate records necessary to enable us to prepare our response by means of an Answer or Motion to Dismiss. No previous requests have been made for such an extension. I did not obtain plaintiff's consent prior to making this application because he is incarcerated.

Respectfully submitted,
Donald Nowve
Donald Nowve
Assistant Attorney General
(212)416-8227

*Sealed
Sweet
DUSPT
7-1-08*

c: Kareem S. Perry
DIN #93-A-5130
Upstate Correctional Facility
309 Bare Hill Road
Malone, New York 12953